

House File 2307

HOUSE FILE _____
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a violation or attempted violation of a court
2 order, a court=approved consent agreement, or a protective
3 order under the Iowa domestic abuse Act.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6238HH 80
6 rh/cf/24

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1 1 Section 1. Section 236.8, Code 2003, is amended to read as
1 2 follows:
1 3 236.8 VIOLATION OF ORDER == CONTEMPT == PENALTIES ==
1 4 HEARINGS.

1 5 1. A person commits a simple misdemeanor or the court may
1 6 hold a person in contempt for a violation or attempted
1 7 violation of an order or court=approved consent agreement
1 8 entered under this chapter, for a violation or attempted
1 9 violation of a temporary or permanent protective order or
1 10 order to vacate the homestead under chapter 598, for a
1 11 violation or attempted violation of any order that establishes
1 12 conditions of release or is a protective order or sentencing
1 13 order in a criminal prosecution arising from a domestic abuse
1 14 assault, or for a violation or attempted violation by an adult
1 15 of a protective order under chapter 232, or for a violation or
1 16 attempted violation of a statute in another state
1 17 substantially corresponding to the violations described in
1 18 this subsection.

1 19 2. If convicted or held in contempt for a violation or
1 20 attempted violation of an order or agreement described in this
1 21 section, the defendant shall serve a jail sentence. Any jail
1 22 sentence of more than one day imposed under this section shall
1 23 be served on consecutive days. A defendant who is held in
1 24 contempt or convicted may be ordered by the court to pay the
1 25 plaintiff's attorney fees and court costs incurred in the
1 26 proceedings under this section.

1 27 3. A hearing in a contempt proceeding brought pursuant to
1 28 this section shall be held not less than five and not more
1 29 than fifteen days after the issuance of a rule to show cause,
1 30 as set by the court.

1 31 4. A person shall not be convicted of and held in contempt
1 32 for the same violation or attempted violation of an order or
1 33 court=approved consent agreement entered under this chapter,
1 34 for the same violation or attempted violation of a temporary
1 35 or permanent protective order or order to vacate the homestead
2 1 under chapter 598, for a violation or attempted violation of
2 2 any order that establishes conditions of release or is a
2 3 protective order or sentencing order in a criminal prosecution
2 4 arising from a domestic abuse assault, or for a violation or
2 5 attempted violation of a protective order under chapter 232 or
2 6 for a violation or attempted violation of a statute in another
2 7 state substantially corresponding to the violations described
2 8 in this section.

2 9 5. For purposes of this section, "attempted violation"
2 10 means a person does any act by which the person expects to set
2 11 in motion a force or chain of events which will cause or
2 12 result in a violation of an order, court=approved consent
2 13 agreement, or protective order described in this section.

2 14 EXPLANATION

2 15 This bill relates to a violation or attempted violation of
2 16 a court order, court=approved consent agreement, or protective
2 17 order under the Iowa domestic abuse Act.

2 18 The bill provides that a person who attempts to violate a
2 19 court order or court=approved consent agreement entered
2 20 pursuant to Code chapter 236, Iowa's domestic abuse law; a
2 21 temporary or permanent protective order or order to vacate the
2 22 homestead under Code chapter 598, Iowa's dissolution of
2 23 marriage and domestic relations law; any order that

2 24 establishes conditions of release or is a protective order or
2 25 sentencing order in a criminal prosecution arising from a
2 26 domestic abuse assault; or a protective order issued under
2 27 Iowa's juvenile justice law commits a simple misdemeanor, or
2 28 the court may hold such a person in contempt of court.
2 29 Current law applies such penalties to persons who actually
2 30 violate the described orders and agreements.
2 31 The bill further provides a definition of "attempted
2 32 violation" to mean a person does any act by which the person
2 33 expects to set in motion a force or chain of events which will
2 34 cause or result in a violation of an order, court-approved
2 35 consent agreement, or protective order.
3 1 A person convicted or held in contempt for a violation of
3 2 this bill is required to serve a jail sentence. A simple
3 3 misdemeanor is punishable by confinement for no more than 30
3 4 days and may include a fine of at least \$50 but not more than
3 5 \$500. Contempt of court is punishable by confinement for no
3 6 more than six months and may include a fine of at least \$500.
3 7 LSB 6238HH 80
3 8 rh/cf/24